

Plaintiffs' Exhibit 190

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

UNITED STATES, et al.,)	
)	
Plaintiffs,)	
v.)	No. 1:23-cv-00108-LMB-JFA
)	
GOOGLE LLC,)	
)	
Defendant.)	

DECLARATION OF KENDALL B. OLIPHANT
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO
GOOGLE'S MOTION FOR SUMMARY JUDGEMENT

I, Kendall B. Oliphant, pursuant to 28 U.S.C. § 1746 hereby declares as follows:

1. I am over 21 years old and am competent to testify about the matters in this Declaration based on my personal knowledge.
2. I am the Chief of the Contracts Management Office at the United States Census Bureau ("Census") and submit this Declaration in support of Plaintiffs' Opposition to Google's Motion for Summary Judgment.
3. Census is contractually obligated to reimburse at cost all payments made by Y&R (i.e., "Team Y&R," including Wavemaker and subcontractors Reingold, TDW, and CIW) to execute approved orders for media space on behalf of Census.
4. Beyond ordering media space, Y&R also provides other advertising services, which are compensated separately from ordering of media space.
5. In coordination with Y&R, Census develops and approves detailed media plans, which authorize Y&R to execute advertising orders on Census' behalf, in accordance with those media plans.

6. The discretion afforded to Y&R is limited to that authorized and approved by a Census media plan, and Y&R works closely with the Census to effectuate Census's goals and decisions.

7. The exhibit beginning with Bates number **CENSUS-ADS-0000075450** is a true and correct copy of an excerpt of a task order under Census's master advertising contract with Y&R showing that labor and other services are compensated differently than media buys.

8. The exhibit beginning with Bates number **CENSUS-ADS-00007275050** is a true and correct copy of an excerpt of a 2019 media plan showing planned digital ad budgets and channel recommendations.

9. The exhibit beginning with **CENSUS-ADS-0000075448** is a true and correct copy of a media authorization form showing Census's approval of funding allocated for programmatic display ad spending.

10. The exhibits discussed above were made and kept in the ordinary course of Census business, and making and keeping these documents was a regular practice of the Census.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 15, 2024.

Signed:

Kendall B. Oliphant

County and State:

PRINCE GEORGES COUNTY, MD.